

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA**

UNITED STATES OF AMERICA

*

vs.

*

Case No. 1:22-CR-00417-RDP-NAD-1

KRYSTAL DIANE PINKINS,

*

Defendant

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MOTION FOR MENTAL EVALUATION

Comes now, the undersigned counsel of record for Defendant, Krystal Diane Pinkins, and moves this Honorable Court to Order a Mental Evaluation of the Defendant to determine her competence to stand trial, her ability to understand the proceedings and participate in her defense, and her competency at the time of the alleged offense. The Defendant would show the Court the following:

1. The Defendant is under indictment in a four count indictment filed November 29, 2022 in this Honorable Court.
2. The Defendant was arraigned on December 15, 2022.
3. On December 14, 2022, the undersigned met with the Defendant while in custody.
4. The Defendant expressed thoughts and ideas to the undersigned that the undersigned believes to be delusional and shows signs of what the undersigned believes to be paranoia.
5. The Defendant requires an Order for a mental evaluation to determine whether she has sufficient present ability to consult with her lawyer with a reasonable degree of rational understanding and whether she has a rational as well as factual understanding

of the proceedings against her pursuant to Dusky v. United States, 362 U.S. 402 (1960).

6. “At any time after the commencement of a prosecution for an offense and prior to the sentencing of the defendant, or at any time after the commencement of probation or supervised release and prior to the completion of the sentence, the defendant or the attorney for the Government may file a motion for a hearing to determine the mental competency of the defendant. The court shall grant the motion, or shall order such a hearing on its own motion, if there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.” 18 U.S.C. Sec. 4241(a).
7. The Defendant also requests that the Court further Order that the evaluation include a determination whether the Defendant, at the time of the of the acts constituting the offense, committed said acts as the result of a severe mental disease or defect and was unable to appreciate the nature and quality or wrongfulness of her acts. Such a determination will aid the undersigned in determining whether filing notice of an insanity defense under Fed. R. Crim. Pro. 12.2 would be appropriate.

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Wherefore, premises considered, Counsel for the Defendant respectfully request this Honorable Court Order a Mental Evaluation of the Defendant.

Respectfully submitted 17th day of January, 2023.

/s/ Justin C. Wilson

Justin C. Wilson

Attorney for the Defendant

CERTIFICATE OF SERVICE

I, Justin C. Wilson, do hereby certify that I have on this the 17th day of January 2023, electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all CM/ECF participants in this case.

/s/ Justin C. Wilson

Justin C. Wilson

Attorney for the Defendant